



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:

5720

ARSF-F1

July 31, 2012

MR JACOB SHEMKOVITZ
MUCKROCK NEWS
DEPT MR 1053
P O BOX 55819
BOSTON MA 02205-5819

Dear Mr. Shemkovitz:

SUBJECT: FILE NUMBER HQMC-201200257

This is a final response to your January 27, 2012, Freedom of Information Act (FOIA) request in which you seek any documents mentioning Marine, Jeffrey Scott Boucher.

I regret the delay in responding to your request. Due to a lack of manpower and resources (FOIA personnel decreased from three (3) to One (1) analyst), and a year-long hiring freeze, we accrued a FOIA case backlog of (309) cases. We are fully staffed as of June 2012 and we are making efforts to minimize the backlog. While doing so, your case came to the forefront of our processing queue. We regret any inconveniences you may have experienced during the delay.

In an effort to assist you, we initiated a search of the files maintained by the Manpower Management Support Branch (MMSB-10) of this Headquarters. As a result of that search, we found that there is no evidence on file in Mr. Jeffrey Boucher's Official Military Personnel File (OMPF) that indicates he is currently deceased. For this reason, we are providing military personnel information that is normally releasable to the public under the Privacy Act without written release authorization from the Marine member himself or from his next of kin. Pages containing information such as enlistment contract, chronological record of service, awards and decorations, and military education are identified as being responsive to your request. However, our review of the records reveal that they contain personal information (i.e., social security number, home of record, date of birth, discharge data, home addresses, beneficiary information, remarks, and next-of-kin data) about Mr. Boucher and others that, if disclosed, would constitute a clearly unwarranted invasion of their personal privacy. Because the FOIA precludes the disclosure of this type of information [5 U.S.C. § 552(b)(6) as amended], the applicable personal information has been redacted and is denied. A copy of the responsive information, disclosing all releasable portions, is attached at the enclosure.

For the matter where you request "any documents mentioning Mr. Boucher," please be advised that FOIA regulations require requesters to "reasonably describe the records being sought after" in sufficient detail to allow a knowledgeable official of the agency to locate and retrieve records within reasonable effort. If there is any other information you wish to request about

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Mr. Boucher, we request that you provide descriptions of the records you are seeking. At a minimum, your request should provide details such as the title, subject, date or originator, and type of record. You may respond to the following address:

Commandant of the Marine Corps (ARSF), 3000 Marine Corps Pentagon,
Washington, DC 20350-3000.

Once we receive the descriptive record information additional efforts will be made to comply with your request. In view of the above, you may consider this to be an adverse determination that may be appealed to the Judge Advocate General (Code 14), 1322 Patterson Avenue SE, Suite 3000, Washington Navy Yard, DC 20374-5066. Your appeal, if any, must be postmarked within 60 calendar days from the date of this letter to be considered and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe your appeal should be granted. I recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal."

Be advised that we have categorized you as an "Other Requester" for the purpose of assessing FOIA processing fees. As such, you are entitled to two hours of search and 100 pages of duplication free of charge but would normally be responsible for the payment of any search and/or duplication costs exceeding your free entitlement. In this instance, however, since processing costs do not exceed your free entitlement, there are no billed fees for the processing of this request.

Questions concerning this action should be directed to Ms. Mary Malone of my staff at (571) 256-8633 (direct) or (703) 614-4008 (office). Please refer to the subject file above when corresponding on this matter. I am the official responsible for this determination.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Vocht, III", with a stylized flourish at the end.

DAVID E. VOGT, III
FOIA Team Lead (ARSF)
Security Programs & Info Mgmt Branch
Administration & Resource Mgmt Division

Enclosure